

PATENT
Agent's Docket No. 17723

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **EDWARDS, Eric**

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Serial No: **10/088,747**

Art Unit: **2673**

Filed: **03/22/2002**

Examiner: PIZIALI, Jeffrey J

Customer no. 23553

For: METHOD AND SYSTEM FOR TIME/MOTION COMPENSATION FOR
HEAD MOUNTED DISPLAYS

June 18,2007

Commissioner of Patent and Trademarks
P.O. Box 1450, Alexandria, Virginia 22313-1450

Response to Notice of Non-Compliant Amendment mailed 05/16/2007

Sir:

In response to the Notice of Non-compliant amendment mailed 05/16/2007, applicants respectfully confirm their election of species I with traverse.

The Examiner's requirement that the applicant identify the claims readable onto the elected species is not entirely understood because on page 3 of the Office action, the Examiner identifies claims 3- 4 as corresponding to the elected species I.

Does the Examiner wish the applicant to endorse the Examiner's position? If so, the applicants do indeed confirm that claims 3- 4 are specifically drawn to elected species I. As noted by the examiner claims 1 and 7-20 are generic and therefore readable on to the elected species. The applicant's also respectfully submit that claims 21 and 22 are readable on to the elected species for the reasons given below.

The applicants withdraw their traverse with respect to species III corresponding to claim 5.

The applicants apologize for not making the basis of their traverse clear. The basis of the applicant's traverse with respect to species I and II is that the claims relate to the same technical concept. Claims 3 and 4 relate to the species wherein when no image data is available for portions of an image, those areas are filled with a predetermined fill. Claims 21-22 relate to the species wherein those areas are filled with earlier captured image data. Such "earlier captured image data" can be regarded as a special case of a "predetermined fill", and thus claims 3 and 4 could be considered generic to claims 21-22. For example, one could write a claim dependent on claim 3, which recited "wherein said predetermined fill is earlier capture image data". The applicants respectfully submit that while claims 21-22 might define patentable subject matter over claims 3-4 in terms of an improvement, such improvement does not render the subject matter distinct and separate species.

Allowance and reconsideration are therefore earnestly solicited.

USSN: 10/088,747
Art Unit: 2673
Reponse to Notice of Non-compliance mailed 05/16/2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. J. Mitchell". The signature is fluid and cursive, with the first name "R." and last name "Mitchell" clearly distinguishable.

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Richard J. Mitchell
Agent of Record

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